



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,978	03/05/2002	Andreas Meschenmoser	P22045	6976
7055	7590	11/05/2003		
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER ROSENBAUM, IRENE CUDA	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,978

Applicant(s)

MESCHENMOSER, ANDREAS

Examiner

Irene Cuda-Rosenbaum

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-58 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 29-58 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29-33,36,37,38,39 40-49,51,52,55,57 and 58 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Stotz et al (5,928,121). See in particular fig 2 and column 3, line 62- column 4 line 42 and column 5, line 13-20.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34-35, 50,53-54 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stotz et al (5,928,121).

Stotz et al teach the roller essentially as claimed but lack a teaching of the particulars of the configuration of the guide member (counter plate, flange with collar) (claims 34-35), whether the piston /cylinder arrangement contacts and intermediate member between the carrier and bearing sleeve (claim 50), and whether the support members are loaded with the same or different pressure fluids (claim 53-54) and the alignment of the axes of the different parts (claim 56). However, the particulars of the guide arrangement are considered an obvious matter of design choice absent any new

Art Unit: 3726

or unusual result and to substitute one for another is considered an obvious design expedient. The use of an intermediate member between the carrier or sleeve and the piston/cylinder is considered an obvious matter of design choice absent any new or unusual result or any necessary reason for such which would make the roller operate differently without it. Further, the two choices for the fluid application to all support elements in deflection rolls is either all the same fluid or different fluids. The two choices are both commonly used in the industry and which one is used would depend on the particular characteristics of the environment of use and so which is used here is an obvious matter of design choice which would have been obvious to one of ordinary skill in the art and official notice is taken of such. Further whether the axes of the various parts are on the same plane or different planes is also considered a matter of design choice absent any showing of a new or unobvious result.

Claims 29 –33 and 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over German app no. 19723519 for the reasons set forth in the rejection to claims 1-5 of the parent application. Since no translation has been provided and no arguments made as to the validity of the rejection, full faith and credit are given to the previous examiner.

Claims 29-33 and 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over German patent application no. 42 42 022 for the reasons set forth in the rejection to claims 1-5 in the parent application. Since no translation has been provided and no arguments made as to the validity of the rejection, full faith and credit are given to the previous examiner.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over German patent no. 71 44301U for the reasons set forth in the rejection to claim 11 in the parent application. Since no translation has been provided and no arguments made as to the validity of the rejection, full faith and credit are given to the previous examiner.

Claims 29 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austrian Patent no. 351927 for the reasons set forth in the rejection to claims 1 and 10 in the parent application. Since no translation has been provided and no arguments made as to the validity of the rejection, full faith and credit are given to the previous examiner.

Claims 29-58 are, rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0787912 A2 for the reasons set forth in the rejection to claims 1, 6-9,12,19,21 and 23-27 in the parent application. Since no translation has been provided and no arguments made as to the validity of the rejection, full faith and credit are given to the previous examiner.

Claims 34-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stotz et al (5,928,121) .

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

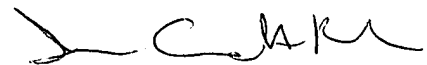
Art Unit: 3726

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irene Cuda-Rosenbaum whose telephone number is 703-308-1792. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 308-1148. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1148.

ICR


Aug 37 20